

1 ADAM LEBERTHON – State Bar No. 145226
2 LAW OFFICE OF ADAM LEBERTHON
3 P.O. Box 661431
4 Los Angeles, California 90066-1431
Telephone: (310) 556-7830
Facsimile: (310) 556-2920

5 PATRICIA L. GLASER – State Bar No. 55688
6 pglaser@glaserweil.com
7 ALEXANDER M. KARGHER – State Bar No. 259262
8 akargher@glaserweil.com
9 GLASER WEIL FINK JACOBS
10 HOWARD AVCHEN & SHAPIRO LLP
11 10250 Constellation Boulevard, 19th Floor
12 Los Angeles, California 90067
13 Telephone: (310) 553-3000
14 Facsimile: (310) 556-2920

Attorneys for Plaintiff Zhang Ziyi

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 ZHANG ZIYI, an individual,

16 Plaintiff,

18 v.

19 CHINA FREE PRESS, INC., a North
20 Carolina non-profit corporation doing
21 business as BOXUN NEWS; WEICAN
22 NULL MENG, an individual also known
as WATSON MENG and also known as
WEICAN “WATSON” MENG; DOES 1-
25, inclusive,

23 Defendants.
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CASE NO.: CV 12-5216-JGB (PLAx)

**REQUEST OF PLAINTIFF ZHANG
ZIYI TO APPEAR
TELEPHONICALLY AT
SETTLEMENT CONFERENCE;
DECLARATION OF ADAM
LEBERTHON**

Date: November 13, 2013
Time: 10:00 a.m.
Courtroom: 580

Glaser Weil Fink Jacobs
Howard Avchen & Shapiro LLP

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to the Court's September 30, 2013,
3 Order scheduling a Settlement Conference in the above-captioned matter, plaintiff
4 Zhang Ziyi ("Zhang") hereby requests to appear at the Conference telephonically.

5 This Request is made on the grounds that Zhang is currently on location in
6 Shanghai filming a motion picture, and she is the lead actress in the film. She will
7 be filming the movie in Shanghai throughout November and, as the lead actress,
8 she is in all of the scenes that are being shot in this location. As a result, it is not
9 possible for her to travel to Los Angeles to appear in person at the Settlement
10 Conference on November 13 without shutting down all filming of the picture for at
11 least several days. Doing so would seriously interfere with the film's production
12 schedule and create an undue hardship on the many persons working on the film.
13 This Request is unopposed by the other parties, and counsel for Zhang will appear
14 at the Settlement Conference in person.

15 This Request is based upon this Request, the attached Memorandum of
16 Points and Authorities, the attached Declaration of Adam LeBerthon, and all other
17 pleadings, papers and other documents on file with the Court in the present action.

18 DATED: November 6, 2013

LAW OFFICES OF ADAM LEBERTHON

19
20 GLASER WEIL FINK JACOBS
HOWARD AVCHEN & SHAPIRO LLP

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22 By: /s/ Adam LeBerthon

23 ADAM LEBERTHON
24 Attorneys for Plaintiff Zhang Ziyi
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MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiff Zhang Ziyi ("Zhang") respectfully requests permission to appear telephonically at the Settlement Conference in this action on November 13, 2013.

There is good cause to permit Zhang to appear telephonically. She is a motion picture actress, and she resides in China. Currently, Zhang is on location in Shanghai filming the movie *The Crossing*, a movie directed by John Woo. Ms. Zhang is the lead actress in the film.¹ She will be filming the movie in Shanghai throughout November, and she is in all of the scenes that are being shot in this location. As a result, it is not possible for her to travel to Los Angeles to appear in person at the Settlement Conference on November 13 without shutting down all filming of the motion picture for at least several days. Doing so would seriously interfere with the film's production schedule and create an undue hardship on the many persons working on the film. Declaration of Adam LeBerthon ("LeBerthon Decl."), ¶ 2.

Both Zhang and her manager, Ling Lucas, will be available to participate in the Settlement Conference telephonically, and her counsel will appear at the Conference in person. LeBerthon Decl., ¶ 3. Furthermore, counsel for defendants Weican Null Meng and China Free Press, Inc. do not oppose this request. LeBerthon Decl., ¶ 4.

There will be no prejudice to any party if Zhang appears at the Settlement Conference telephonically, and good cause exists for excusing her personal appearance at the Conference.

¹ *Variety* described the film as a "\$40 million two-part movie" and said it included a "pan-Asian, all-star cast headed by Tong Dawei, Zhang Ziyi" and others. See <http://variety.com/2013/film/international/john-woo-sets-sail-on-the-crossing-1200555003/#>.

1 For all of the foregoing reasons, plaintiff Zhang Ziyi respectfully requests
2 permission to appear telephonically at the Settlement Conference next week.

3 DATED: November 6, 2013

LAW OFFICES OF ADAM LEBERTHON

4 GLASER WEIL FINK JACOBS
5 HOWARD AVCHEN & SHAPIRO LLP

6
7 By: /s/ Adam LeBerthon

8 ADAM LEBERTHON
9 Attorneys for Plaintiff Zhang Ziyi
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Glaser Weil Fink Jacobs
Howard Avchen & Shapiro LLP

DECLARATION OF ADAM LEBERTHON

I, ADAM LEBERTHON, declare and state as follows:

1. I am an attorney duly licensed to practice law in the State of California, and I am admitted to practice before this Court. The facts set forth herein are true of my own personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath.

2. I am one of the attorneys representing Plaintiff Zhang Ziyi in this action. Ms. Zhang is a motion picture actress and a resident of China. Currently, she is on location in Shanghai filming the movie *The Crossing*, the story of a ship that sank while crossing from mainland China to Taiwan in 1949. The film is directed by John Woo, and Ms. Zhang is the lead actress. She will be filming the movie in Shanghai throughout November, and she is in all of the scenes that are being shot in this location. As a result, it is not possible for her to travel to Los Angeles to appear in person at the Settlement Conference on November 13 without shutting down all filming of the motion picture for at least several days. Doing so would seriously interfere with the film's production schedule and create an undue hardship on the many persons working on the film.

3. Both Ms. Zhang and her manager, Ling Lucas, will be available to participate in the Settlement Conference telephonically, and they will be available by telephone throughout the day whenever necessary.

4. Yesterday I spoke by telephone with J. Malcolm DeVoy (counsel for defendant Weican Null Meng) and Loring Rose (counsel for defendant China Free Press, Inc.), and I informed them that Ms. Zhang would not be able to appear in person at the Settlement Conference due to her other commitments and would

1 instead have to participate telephonically. Both Mr. DeVoy and Mr. Rose told me
2 that they had no objections to her telephonic participation.

3 I declare under penalty of perjury under the laws of the United States that
4 the foregoing facts are true and correct.

5 Executed on this 6th of November, 2013 at Los Angeles, California.

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8 ADAM LEBERTHON

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